

Seckler, J.

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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

4/7/08

X

ROBERT S. NELSON,

Plaintiff,

-against-

METRO FUEL OIL CORPORATION,

Defendants.

STIPULATION OF DISCONTINUANCE

Index No. ~~9507-07-RJS~~

07 cv 9507 (RJS)

X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, Plaintiff's Complaint and Defendants' Counterclaims are hereby discontinued, with prejudice, and without costs or attorneys fees to either party as against the other. This Stipulation may be filed without further notice with the Clerk of the Court. Facsimile signatures on this Stipulation shall be deemed originals for all purposes.

Dated: Williston Park, New York
March 31, 2008

CAL AGOSTINO, P.C.
Attorney for Defendant
By: *[Signature]*

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HORING WELIKSON & ROSEN, P.C.
Attorneys for Plaintiff
By: *[Signature]*

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*J. Rees
4/5/08*